

**STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 1209, TO PROVIDE FOR THE CONTINUED ADMINISTRATION OF SANTA ROSA ISLAND, CHANNEL ISLANDS NATIONAL PARK, IN ACCORDANCE WITH THE LAWS (INCLUDING REGULATIONS) AND POLICIES OF THE NATIONAL PARK SERVICE, AND FOR OTHER PURPOSES**

**May 15, 2007**

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Mr. Chairman, thank you for the opportunity to appear before the subcommittee today to present the views of the Department of the Interior on S. 1209, to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, and for other purposes.

The Department supports S. 1209. This legislation would ensure that the laws governing the administration of Channel Islands National Park supersede other provisions of law that might interfere with appropriate management. In conjunction with providing for that assurance, S. 1209 would repeal a provision enacted last year, Section 1077(c) of the Public Law 109-364, that has created uncertainty regarding the National Park Service's limited role with respect to the planned removal of privately owned non-native elk and deer from Santa Rosa Island by 2011, as provided for by a 1998 court-approved settlement agreement.

Channel Islands National Monument was designated in 1938 by President Franklin D. Roosevelt under the authority of the Antiquities Act. In 1980, the monument was expanded to include additional islands, including the 54,000-acre Santa Rosa Island, and redesignated as Channel Islands National Park. The park's purpose is to protect the nationally significant natural, scenic, wildlife, marine, ecological, archaeological, cultural, and scientific values of the five California

Channel Islands that comprise the park. During consideration of the legislation to redesignate Channel Islands National Monument as a national park, a deliberate decision was made to not allow hunting there, just as hunting is not permitted in other national park units designated as “National Parks.”

Once it was determined that Santa Rosa Island was to be incorporated within Channel Islands National Park, Vail and Vickers, Ltd. (V&V), the island’s owner, requested that it be the highest priority for acquisition by the National Park Service (NPS). This was reflected in the 1980 legislation. In 1986, V&V sold Santa Rosa Island to the NPS for \$29.5 million. V&V retained a 25-year non-commercial reservation of use and occupancy for a 7.6-acre area containing the ranch house and a nearby field. At the request of V&V, supported by members of Congress, the NPS issued two 5-year special use permits to allow V&V to continue their cattle ranching and elk and deer hunting operations.

In 1996, because of impacts on endangered species and water quality, the National Parks Conservation Association sued the NPS over the management of Santa Rosa Island. In 1997, V&V sued NPS to retain their current special use permit and continue their operations until 2011. A three-way settlement agreement, entered by the court in 1998, provided for removing the cattle by the end of 1998 (which occurred on schedule), and for phasing out deer and elk and removing them altogether by the end of 2011, when the V&V 25-year reservation of the 7.6-acre area expires. The settlement agreement included two options under which hunting could continue. The parties chose the second option, which was to manage the deer and elk using adaptive management guidelines based on the monitoring of two federally listed endangered

plants. Each year, the NPS, with recommendations from an agreed-upon scientific panel, determines the number of deer and elk permitted. Regardless of the management option, all deer and elk are to be removed by V&V no later than the end of 2011. At that time, V&V will be required to remove all their property, including any of their remaining deer and elk.

Removal of the herds will bring about two fundamental benefits: First, native plants and animals will be able to flourish. Channel Islands National Park has been in the forefront of the NPS' efforts to control non-native species that out-compete the native species. The park has undertaken several successful ecological restoration programs. The eradication of introduced rats from Anacapa Island has resulted in the increased survivability of the Xantus's murrelet, a State of California threatened species. The removal of introduced rabbits, cattle, sheep, pigs, and mules from Santa Barbara, Santa Rosa, Santa Cruz and San Miguel Islands has allowed for vegetation restoration.

In addition, last year, for the first time in 50 years, an American bald eagle was hatched in the northern Channel Islands, on Santa Cruz Island, due to the successful efforts of park staff, local communities, The Nature Conservancy, and the Montrose Trustees who have worked together on this project. Another eaglet was hatched there just last month. And, for the first time in 70 years, a peregrine falcon chick has hatched on Santa Barbara Island. The NPS looks forward to more successes of this type in the Channel Islands, including Santa Rosa Island.

Second, with private commercial hunting no longer an option, the island can be opened up for other recreational purposes, such as hiking, camping, and sightseeing, on a year-round basis.

While it varies, at present, about 90 percent of the island is generally off limits for general recreation during the four to five months of each year that hunting occurs. The closure is particularly troublesome because Santa Rosa Island is currently the most accessible of the five islands that are part of Channel Islands National Park.

As noted at the beginning of this statement, Section 1077(c) of P.L. 109-364 created uncertainty about the planned removal of the deer and elk required under the settlement agreement. The provision states:

*RECREATIONAL ACTIVITIES ON SANTA ROSA ISLAND.—The Secretary of the Interior shall immediately cease the plan, approved in the settlement agreement for case number 96-7412 WJR and case number 97-4098 WJR, to exterminate the deer and elk on Santa Rosa Island, Channel Islands, California, by helicopter and shall not exterminate or nearly exterminate the deer and elk.*

The Department does not have a plan to exterminate the deer and elk; removal of the herds is the responsibility of the owners, V&V. What the provision does is prohibit the NPS from participating in any plan approved in the settlement agreement to exterminate the deer and elk by helicopter, and prohibit the NPS from destroying the deer and elk by any other means. Section 1077(c) affects the section of the settlement agreement that states:

*In the last year that V&V will have elk or deer on [the island], V&V will remove the remaining deer and elk to the greatest extent feasible. Provided that V&V meets all deer and elk reduction requirements in every year prior to 2011, and provided that the remaining deer and elk in 2011 become extraordinarily difficult to remove despite the diligent efforts of removal by V&V, [the National Park Service] will equally share the “unusual costs” of the removal of those deer and elk. “Unusual costs” is defined as the cost of trained professionals and helicopters.*

Section 1077(c) does not affect the ongoing obligation of V&V under the settlement agreement to remove the deer and elk from the island by 2011, but it does mean that the NPS would be unable to assist in the cost of removal of the herds, as called for under the settlement agreement.

We are concerned about potential unforeseen consequences of a law that is interfering with the requirements of a settlement agreement that was drafted with careful consideration of each party's responsibility. The transition from ranching and hunting to hiking and camping will enhance the park experience. The settlement agreement offers the promise that the last phase of the transition will be conducted in an orderly manner, and the hope that it will go smoothly. Passage of S. 1209 will help ensure that the deer and elk will be removed from Santa Rosa Island in accord with that agreement.

Mr. Chairman, that concludes my statement. I will be happy to answer any questions you or members of the subcommittee may have.